

00-~~R~~-1070

(Do Not Write Above This Line)

A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE
SETTLEMENT OF ALL CLAIMS RESULTING
FROM THE CASE OF JAMES SCOTT BERNER
V. CITY OF ATLANTA, GEORGIA, ET AL.,
UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA,
ATLANTA DIVISION, CIVIL ACTION FILE
NO. 1-98CV80-CC, FOR \$45,000;
AUTHORIZING THE CHIEF FINANCIAL
OFFICER TO DISBURSE THE SETTLEMENT
AMOUNT; AND FOR OTHER PURPOSES.

Approved: Rosalind Rubens Newell
Deputy City Attorney

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

COUNCIL

First Reading

Committee _____
Date 7/17/00
Chair C. T. Marks
Referred to _____

Committee <u>Public Safety</u>	Committee _____
Date <u>7/17/00</u>	Date _____
Chair <u>C. T. Marks</u>	Chair _____
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other: _____	Other: _____
Members: <u>Cliff Henderson</u> <u>John Henderson</u>	Members _____
Refer To _____	Refer To _____

Committee _____	Committee _____
Date _____	Date _____
Chair _____	Chair _____
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other: _____	Other: _____
Members _____	Members _____
Refer To _____	Refer To _____

FINAL COUNCIL ACTION

- ☐ 2nd ☒ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☒ V Vote ☐ RC Vote

CERTIFIED

7/17/00

CERTIFIED

JUL 17 2000

Rosalind Rubens Newell
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUL 26 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW

CITY COUNCIL
ATLANTA, GEORGIA

00-*ℓ*-1070

A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS RESULTING FROM THE CASE OF JAMES SCOTT BERNE v. CITY OF ATLANTA, GEORGIA, ET AL., UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, CIVIL ACTION FILE NO. 1-98CV80-CC, FOR \$45,000; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISBURSE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, James Scott Berne v. City of Atlanta, Georgia, et al., United States District Court for the Northern District of Georgia, Atlanta Division, Civil Action File No. 1-98CV80-CC, is a case in which the City of Atlanta and Officer G.W. Garrison are named as Defendants;

WHEREAS, Officer G.W. Garrison is employed by the City of Atlanta Police Department;

WHEREAS, the Plaintiffs allege that the City of Atlanta and Officer G.W. Garrison violated his constitutional rights when he was struck by one of three bullets fired by Officer G.W. Garrison at the automobile driven by Scott Berne.

WHEREAS, the Plaintiffs and their counsel have agreed to accept \$45,000 in settlement of all claims against the City of Atlanta;

WHEREAS, the City Attorney has done an extensive review of the facts and law and has determined that the City's potential financial exposure is far in excess of the settlement amount; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to resolve this matter and recommends that the City pay the amount of \$45,000 to settle all claims,

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1. The City Attorney is hereby authorized to settle the case of James Scott Berne v. City of Atlanta, Georgia, et al., for the sum of Forty Five Thousand Dollars (\$45,000).



SECTION 2. The Chief Financial Officer is authorized to pay a total sum of \$45,000 to the Plaintiff and his attorney, Jeffrey J. Dean, in this case, from Account No. 1A101-529017-T31001.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council

RETURNED WITHOUT SIGNATURE OF THE MAYOR

APPROVED as per City Charter Section 2-403

JULY 17, 2000

JULY 26, 2000